

MINUTES
REGULAR MEETING OF THE CITY COUNCIL
CITY OF MEMPHIS
July 6, 2010

3:30 P.M. SCHEDULED SESSION

3:34 P.M. MEETING COMMENCED

ROLL CALL: Joe Brown, William Boyd, Kemp Conrad, Shea Flinn, Edmund Ford, Jr., Janis Fullilove, Wanda Halbert, Reid Hedgepeth, Myron Lowery, Jim Strickland, Barbara Swearengen Ware and Chairman Harold Collins. Bill Morrison was absent.

**THE MEETING WAS CALLED TO ORDER
BY SERGEANT-AT-ARMS**

INVOCATION

The meeting was opened with prayer by Novella Smith Arnold. Councilman Strickland presented Ms. Arnold with a certificate naming her Chaplain of the day.

These minutes record the agenda items and the action taken by the Council on such items. The full text of the original of the ordinances, resolutions and supporting documents, including an audio recording of Council's deliberations are filed and maintained in the office of Council Records/Records Management, Room 2B-08. The original ordinances and/or resolutions adopted by the Council shall control in the event of any conflict between the description in these minutes and the original documents, ordinances and/or resolutions.

MINUTES

Approval of the Minutes of the regular meeting of June 22, 2010 with the following motion:

MOTION: Ford
SECOND: Hedgepeth
AYES: Boyd, Brown, Conrad, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Lowery, Strickland, Ware and Chairman Collins
Morrison was absent

APPROVED, as amended

21. **ORDINANCE REGULATING THE ENCROACHMENT OF CABLE AND VIDEO SERVICES IN THE CITY'S RIGHTS-OF WAY, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5365

Held until August 10, 2010

1. **RESOLUTION RECOGNIZING MEMPHIS CATHOLIC HIGH'S EDUCATION THAT WORK'S PROGRAM STUDENTS WHO REPRESENTED THE CITY OF MEMPHIS IN THE JEFFERSON AWARDS NATIONAL COMPETITION.**

APPROVED, unanimous voice vote

2. **RESOLUTION APPROVING A USE VARIANCE LOCATED ON THE NORTHEAST CORNER OF MISSISSIPPI BOULEVARD AND S. PARKWAY EAST, CONTAINING 0.50 ACRE IN THE C-N (NEIGHBORHOOD COMMERCIAL) DISTRICT.**

Case No. UV 10-08

Chairman Collins recognized the following person who spoke from the audience:

Curtis Thomas, 1471 Genesis Circle, Memphis, TN. 38106

Applicant: St. Andrews AME Church
Rev. Dr. Kenneth Robinson – Representative

Request: Open air Farmers Market

LUCB and OPD recommendation: APPROVAL

MOTION: Ford
SECOND: Boyd
AYES: Boyd, Brown, Conrad, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Lowery,
Strickland, Ware and Chairman Collins
Morrison was absent

APPROVED

3. **RESOLUTION APPROVING THE FISCHER STEEL AREA PLAN AS AN ADVISORY DOCUMENT.**

Case No. PL 10-003

MOTION: Ford
SECOND: Fullilove
AYES: Boyd, Brown, Conrad, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Strickland,
Ware and Chairman Collins
Lowery did not cast a vote
Morrison was absent

APPROVED

4. **ORDINANCE REZONING THE WESTWARD SIDE OF JACKSON AVE., OPPOSITE AND 140 FT. SOUTHWESTWARDLY FROM THE INTERSECTION OF HEMINGWAY AVE., CONTAINING 0.227 ACRE IN THE GENERAL OFFICE (O-G) DISTRICT, UP FOR T H I R D AND F I N A L READING.**

Case No. Z 10-105
Ordinance No. 5364

Applicant: Beatrice Jimenez
Tim McCaskill – Representative

Request: Planned Commercial (C-P) District

LUCB and OPD recommendation: APPROVAL

MOTION: Ford
SECOND: Boyd
AYES: Boyd, Brown, Conrad, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Lowery,
Strickland, Ware and Chairman Collins
Morrison was absent

APPROVED**CONSENT AGENDA – Items 5 – 14 may be acted upon by one motion: SEE PAGE 1550 FOR ROLL CALL**

5. **ORDINANCE ESTABLISHING THE SMALL BUSINESS ENTERPRISE (SBE) PROGRAM WITH THE GOAL OF AWARDING AT LEAST 25% OF CITY CONTRACTING AND PURCHASE ORDER DOLLARS TO LOCALLY OWNED SMALL BUSINESSES, UP FOR S E C O N D READING.**

Ordinance No. 5366

APPROVED, on Second reading

6. **ORDINANCE REZONING THE WEST SIDE OF WHITE STATION ROAD; 255 FEET NORTH OF POPLAR AVENUE, CONTAINING 0.679 ACRE IN THE GENERAL OFFICE (O-G) DISTRICT, UP FOR F I R S T READING.**

Case No. Z 10-106
Ordinance No. 5369

APPROVED, on First reading

7. **ORDINANCE REZONING THE SOUTHEAST CORNER OF MARIANA STREET AND MIDLAND AVENUE, CONTAINING 0.50 ACRE IN THE RESIDENTIAL DUPLEX (R D) DISTRICT, UP FOR F I R S T READING.**

Case No. Z 10-104
Ordinance No. 5370

APPROVED, on First reading

8. **ORDINANCE REZONING THE NORTHEAST CORNER OF THE INTERSECTION OF GETWELL ROAD AND NEW WILLOW AVENUE, CONTAINING 0.62 ACRE IN THE LOCAL COMMERCIAL (C-L) AND SINGLE FAMILY RESIDENTIAL (R-S6) DISTRICTS, UP FOR F I R S T READING.**

Case No. Z 10-109
Ordinance No. 5371

APPROVED, on First reading

9. **ORDINANCE REZONING THE SOUTH SIDE OF POPLAR AVENUE BETWEEN N. TUCKER STREET AND N. REMBERT STREET, CONTAINING 1.65 ACES IN THE MULTIPLE DWELLING RESIDENTIAL (R-MM) AND HIGHWAY COMMERCIAL (C-H) DISTRICTS, UP FOR F I R S T READING.**

Case No. Z 10-107
Ordinance No. 5372

APPROVED, on First reading

10. **JOINT ORDINANCE REPEALING THE MEMPHIS AND SHELBY COUNTY ZONING REGULATIONS ADOPTED BY THE SHELBY COUNTY BOARD OF COMMISSIONERS ON OCTOBER 6, 1981 AND BY THE MEMPHIS CITY COUNCIL ON OCTOBER 7, 1981, BEING JOINT ORDINANCE AND RESOLUTION NO. 3064, AS AMENDED; REPEALING THE MEMPHIS AND SHELBY COUNTY SUBDIVISION REGULATIONS ADOPTED BY THE SHELBY COUNTY BOARD OF COMMISSIONERS AND THE MEMPHIS CITY COUNCIL ON DECEMBER 19, 1983, BEING JOINT ORDINANCE AND RESOLUTION NO. 3352, AS AMENDED; AND ADOPTING THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE TO ESTABLISH JOINT ZONING AND SUBDIVISION REGULATIONS, TO PROVIDE FOR A BOARD OF ADJUSTMENT AND A LAND USE CONTROL BOARD, AND TO PROVIDE FOR THE ENFORCEMENT AND PENALTIES FOR VIOLATION OF THE REGULATIONS, UP FOR S E C O N D READING.**

Case No. ZTA 09-001cc

APPROVED, on Second reading

11. **ORDINANCE REZONING THE EAST BANK OF MISSISSIPPI RIVER; EXTENDING SOUTHWARDLY FROM INCLINE BAYOU, CONTAINING 10.54 ACRES IN THE AGRICULTURAL (AG) DISTRICT, UP FOR S E C O N D READING.**

Case No. Z 10-108
Ordinance No. 5368

APPROVED, on Second reading

12. **RESOLUTION ACCEPTING HIGHLAND POINT SUBDIVISION AND AUTHORIZING RELEASE OF BOND.**

Case No. S 04-042cc
(Contract No. CR-4941)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located at the terminus of Huntington Oak Drive, south of U.S. Highway 64. The standard improvement contract was approved on May 17, 2005. Resolution also authorizes the release of the letter of credit totaling the amount of \$128,800.00. This action is subject to County approval.

City Engineer recommends approval

APPROVED

13. **RESOLUTION APPROVING FINAL PLAT OF LIMERICK SUBDIVISION.**

Case No. S 08-021

Resolution approves the final plat located on Prescott Road, south of Central Avenue. Cost of the required improvements to be borne by the developer.

City Engineer recommends approval

APPROVED

14. **NOTATIONS FROM LAND USE CONTROL BOARD THAT THE FOLLOWING CASES WERE HEARD AND RECOMMENDATION MADE REQUESTING A DATE OF PUBLIC HEARING:**

- A. Case No. PD 10-306
- B. Case No. SAC 09-609
- C. Case No. UV 10-07

Public Hearing Set for July 20, 2010

ROLL CALL CONSENT ITEMS

MOTION: Ford
SECOND: Boyd
AYES: Boyd, Brown, Conrad, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Lowery,
Strickland, Ware and Chairman Collins
Morrison was absent

APPROVED**MLGW FISCAL CONSENT – Items 15 – 20 & #27 may be acted upon by one motion:**

15. **RESOLUTION AWARDED CONTRACT NO. 11226, COLLECTION SERVICES, TO CREDIT BUREAU COLLECTION SERVICES, INC. (CBCS), IN THE FUNDED AMOUNT OF \$462,352.50.**

APPROVED

16. **RESOLUTION AWARDED CONTRACT NO. 11444, COLLECTION SERVICES, TO THE AFFILIATED GROUP IN THE FUNDED AMOUNT OF \$462,352.50.**

APPROVED

17. **RESOLUTION AWARDED CONTRACT NO. 11402, INSTALLATION AND REPAIR OF VARIOUS WATER TANKS, TO UTILITY SERVICES COMPANY IN THE FUNDED AMOUNT OF \$55,000.00.**

APPROVED

18. **RESOLUTION AWARDED CONTRACT NO. 11432, ASSESSMENT OF GAS PIPELINE INTEGRITY MANAGEMENT PLAN, TO MILLER CONSULTING SERVICES IN THE FUNDED AMOUNT OF \$147,704.23.**

APPROVED

19. **RESOLUTION APPROVING CHANGE NO. 2 TO CONTRACT NO. 11280, AERIAL PATROL OF GAS TRANSMISSION RIGHT-OF-WAY, TO TENNESSEE HELICOPTER SERVICES, INC. IN THE FUNDED AMOUNT OF \$20,075.00, FOR A NEW CONTRACT VALUE OF \$81,395.00. (THIS RENEWS THE CONTRACT FOR THE SECOND OF FOUR RENEWAL TERMS, AUGUST 29, 2010 THROUGH AUGUST 28, 2011).**

APPROVED

20. **RESOLUTION APPROVING 36-MONTH CONTRACT FOR FIBER OPTIC GROUND WIRE TO AFL TELECOMMUNICATIONS C/O GHMR IN THE AMOUNT OF \$287,900.00.**

APPROVED

27. **RESOLUTION RATIFYING SIX-MONTH EXTENSION OF CONTRACT THROUGH DECEMBER 30, 2010, WITH KONICA MINOLTA BUSINESS SOLUTIONS U.S.A., INC. D/B/A DANKA IN THE AMOUNT OF \$123,840.00.**

APPROVED

MLGW ROLL CALL CONSENT ITEMS

MOTION: Fullilove
SECOND: Ware
AYES: Boyd, Brown, Flinn, Ford, Fullilove, Halbert, Lowery, Strickland, Ware and Chairman Collins
Conrad and Hedgepeth did not cast a vote
Morrison was absent

APPROVED

22. **RESOLUTION AMENDING THE FY 2010 OPERATING BUDGET TO ACCEPT GRANT FUNDS IN THE AMOUNT OF \$4,000.00 FROM KROGER, INC., FOR THE OFFICE OF YOUTH SERVICES AND COMMUNITY AFFAIRS' ANNUAL CHRISTMAS BASKET GIVEAWAY.**

MOTION: Fullilove
SECOND: Ware
AYES: Boyd, Brown, Flinn, Ford, Fullilove, Halbert, Lowery, Strickland, Ware and Chairman Collins
Conrad and Hedgepeth did not cast a vote
Morrison was absent

APPROVED

23. **RESOLUTION ESTABLISHING A DOWNTOWN TASK FORCE.**

MOTION: Lowery
SECOND: Conrad
AYES: Boyd, Conrad, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Lowery, Strickland, Ware and Chairman Collins
Brown did not cast a vote
Morrison was absent

APPROVED

24. **RESOLUTION AMENDING THE FY 2010 CAPITAL IMPROVEMENT BUDGET BY TRANSFERRING AN ALLOCATION OF \$85,000.00 FUNDED BY G.O. BONDS – GENERAL (STORM WATER) FROM DRAINAGE – ST, PROJECT NUMBER ST03006 TO DRAIN AND HES STORAGE, PROJECT NUMBER ST04045, TO DESIGN A STORAGE BUILDING TO PROTECT EQUIPMENT FROM EXPOSURE TO THE ELEMENTS.**

MOTION: Hedgepeth

SECOND: Ford

AYES: Boyd, Brown, Conrad, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Lowery, Strickland, Ware and Chairman Collins
Morrison was absent

APPROVED

25. **RESOLUTION TRANSFERRING AN ALLOCATION OF \$317,004.00 FUNDED BY SEWER REVENUE BONDS FROM MISC. SUBDIVISION OUTFALLS, PROJECT NUMBER SW01001 TO HIGHLAND CHURCH/CHRIST SW EXT., PROJECT NUMBER SW01029 FOR A CONSTRUCTION CONTRACT WITH B&C CONSTRUCTION. RESOLUTION ALSO APPROPRIATES \$317,004.00 FUNDED BY SEWER REVENUE BONDS TO HIGHLAND CHURCH/CHRIST SW EXT., PROJECT NUMBER SW01029.**

MOTION: Hedgepeth

SECOND: Ford

AYES: Boyd, Brown, Conrad, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Lowery, Strickland, Ware and Chairman Collins
Morrison was absent

APPROVED

26. **RESOLUTION AMENDING THE FISCAL YEAR 2010 CAPITAL IMPROVEMENT BUDGET BY TRANSFERRING AN ALLOCATION OF \$48,151.00 FUNDED BY G.O. BONDS GENERAL FROM ADA CURB RAMP, PROJECT NUMBER PW04007 CONSTRUCTION (\$45,808.00) AND ARCHITECTURE AND ENGINEERING (\$2,343.00), TO ADA CURB RAMP GROUP 36, PROJECT NUMBER PW04068 IN CONSTRUCTION TO COMPLETE WORK ON AN EXISTING CONTRACT. RESOLUTION ALSO APPROPRIATES \$48,151.00 FUNDED BY G.O. BONDS GENERAL IN ADA CURB RAMP GROUP 36, PROJECT NUMBER PW04068.**

MOTION: Hedgepeth

SECOND: Boyd

AYES: Boyd, Brown, Conrad, Ford, Fullilove, Halbert, Hedgepeth, Lowery, Strickland, Ware and Chairman Collins

Flinn did not cast a vote
Morrison was absent

APPROVED

28. **RESOLUTION REVISING THE TUITION REIMBURSEMENT PROGRAM
AMENDING THE FUNDING LEVEL GIVEN TO EMPLOYEES FOR FISCAL YEAR
2011 FROM \$5,000.00 PER EMPLOYEE UP TO \$1,400.00 PER EMPLOYEE
CURRENTLY ENROLLED IN THE PROGRAM.**

Chairman Collins recognized the following person who spoke from the audience:

Larry Anthony, 5150 Stage, Memphis, TN. 38134

MOTION: Strickland
SECOND: Boyd
AYES: Conrad and Flinn
NAYS: Boyd, Brown, Ford, Fullilove, Halbert, Hedgepeth, Lowery, Strickland and Ware
Chairman Collins did not cast a vote
Morrison was absent

FAILED

(Councilwoman Fullilove made a motion to approve Same Night Minutes for items #2 & #27, from tonight's meeting)

(Special Item #1 – Same Night Minutes)

MOTION: Fullilove
SECOND: Ford
AYES: Boyd, Brown, Conrad, Flinn, Ford, Fullilove, Halbert, Lowery, Strickland,
Ware and Chairman Collins
Hedgepeth did not cast a vote
Morrison was absent

APPROVED

INTRODUCTION OF ITEMS ON MATTERS BY THE GENERAL PUBLIC:

ADJOURNED MEETING AT 5:01 P.M.

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Upon statement of the Chairman, without objection, the meeting was adjourned, subject to the call of the Chairman.

C H A I R M A N

Attest:

Deputy Comptroller/Council Records